

FCC MAIL SECTION

Before the
Federal Communications Commission
Washington, D.C. 20554

JUL 15 4 19 PM '92

MM Docket No. 92-16

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Hazelhurst, Jeffersonville,
Mt. Vernon, Sandersville,
Soperton and Tennille, Georgia)

RM-7887

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: June 29, 1992;

Released: July 15, 1992

By the Chief, Allocations Branch:

1. Before the Commission for consideration is the *Notice of Proposed Rule Making and Order to Show Cause*, 7 FCC Rcd 1019 (1992), seeking comments on a petition jointly filed by Jeff Davis Broadcasters ("Jeff Davis"), licensee of Station WVOH(FM), Channel 228A, Hazelhurst, Georgia, ALP Limited Partnership ("ALP"), permittee of Station WWST(FM), Channel 229A, Jeffersonville, Georgia, and Wesley James Holden ("Holden") (jointly referred to as "petitioners"). Petitioners request the substitution of Channel 228C2 for Channel 228A at Hazelhurst, Georgia, and the modification of Station WVOH(FM)'s license accordingly; the substitution of Channel 229C2 for Channel 229A at Jeffersonville, Georgia, and the modification of the construction permit for Station WWST(FM) accordingly; and the allotment of Channel 269A to Mt. Vernon, Georgia, as that community's first local FM transmission service. The upgrades at Hazelhurst and Jeffersonville require the substitution of Channel 260A for Channel 228A at Sandersville, Georgia, and the modification of Station WSNT(FM)'s license to specify Channel 260A; the substitution of Channel 291A for Channel 269A at Soperton, Georgia, and the modification of Station WKTM(FM)'s license to specify Channel 291A; and the substitution of Channel 270A for vacant but applied for Channel 260A at Tennille, Georgia.¹ Petitioners filed joint comments stating that they will apply for the requested channels, if allotted. No other comments were filed.

Petitioners state that the public interest benefits to be realized from this proposal are substantial. The allotment of Channel 269A at Mt. Vernon will provide a first local transmission service to an incorporated community with a 1980 U.S. Census population of 1,737. In addition, the proposed substitute allotments at Hazelhurst and Jeffersonville will provide those two communities with wider coverage area channels, and the substitute Class A channels at Sandersville and Soperton will permit existing 3 kW stations to increase their power to 6 kW stations.

3. Commission policy requires reimbursement to affected stations for the reasonable cost associated with changing frequencies. See *Circleville and Columbus, Ohio*, 8 FCC 2d 159 (1967). We issued an *Order to Show Cause* to the licensee of Station WSNT(FM), Sandersville, to demonstrate why its authorization should not be modified to specify operation on Channel 260A in lieu of Channel 228A, as requested by petitioners. The licensee of Station WSNT(FM) filed no response as to why its license should not be modified. Accordingly, pursuant to Section 1.87 of the Commission's Rules, it is deemed to have consented to the channel change. Jeff Davis and ALP state they will jointly reimburse the licensee of Station WSNT(FM), Sandersville, Georgia, for legitimate expenses incurred by changing frequencies, and ALP states that it will fully comply with the provisions of its reimbursement agreement with the licensee of Station WKTM(FM), Soperton, Georgia.

4. We believe the public interest would be served by substituting Channel 228C2 for Channel 228A at Hazelhurst, Georgia, the substitution of Channel 229C2 for Channel 229A at Jeffersonville, Georgia, and the allotment of Channel 269A to Mt. Vernon, Georgia. The communities of Hazelhurst and Jeffersonville will receive expanded FM service and Mt. Vernon will receive its first local FM transmission service. Channel 228C2 can be substituted for Channel 228A at Hazelhurst, Georgia, at its current licensed transmitter site,² and Channel 229C2 can be substituted for Channel 229A at Jeffersonville in compliance with the Commission's spacing requirements with a site restriction of 17.4 kilometers (10.8 miles) northwest of the community.³ In addition, Channel 260A can be substituted for Channel 228A at Sandersville, Georgia, at the current transmitter site for Station WSNT(FM);⁴ Channel 270A can be substituted for Channel 260A at Tennille, Georgia, in compliance with the Commission's minimum spacing requirements with a site restriction 7.2 kilometers (4.5 miles) south;⁵ Channel 291A can be substituted for Channel 269A at Soperton, Georgia, in compliance with the Commission's minimum spacing requirements with a site restriction of 11.4 kilometers (7.1 miles) west of the community,⁶ and Channel 269A can be allotted to Mt. Vernon, Georgia, in compliance with the Commission's spacing requirements, with a site restriction 4.4 kilometers (2.7 miles) east of the community.⁷

¹ The applicants at Tennille are Broadcast Media Co. (File No. BPH-901227MA) and Lee M. Pierce, Sr. (File No. BPH-901227MB).

² The coordinates for Channel 228C2 at Hazelhurst are North Latitude 31-51-15 and West Longitude 82-34-00.

³ The coordinates for Channel 229C2 at Jeffersonville are North Latitude 32-47-00 and West Longitude 83-28-36.

⁴ The coordinates for Channel 260A at Sandersville are North

Latitude 32-58-23 and West Longitude 82-48-34.

⁵ The coordinates for Channel 270A at Tennille are North Latitude 32-52-51 and West Longitude 82-50-01.

⁶ The coordinates for Channel 291A at Soperton are North Latitude 32-23-19 and West Longitude 82-42-13.

⁷ The coordinates for Channel 269A at Mt. Vernon are North Latitude 32-10-10 and West Longitude 82-33-09.

5. Pursuant to the provisions of Section 1.420(g) of the Commission's Rules, we are herein modifying the license of Station WVOH(FM) to specify operation on Channel 228C2 at Hazelhurst, Georgia, and the permit of Station WWST(FM) to specify operation on Channel 229C2 at Jeffersonville, Georgia. Additionally, we are modifying the license for Station WSNT(FM) to specify operation on Channel 260A at Sandersville, Georgia, and the license for Station WKTM(FM) to specify operation on Channel 291A at Soperton, Georgia, in order to accommodate the upgrades at Hazelhurst and Jeffersonville. Channel 270A will be substituted for Channel 260A at Tennille, Georgia, and the applicants will be permitted to amend their applications without loss of cut-off protection. *See Marina, CA*, 6 FCC Rcd 1491 (1991).

6. Accordingly, pursuant to the authority found in Section 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective **August 28 1992**, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the communities listed below, as follows:

City	Channel No.
Hazelhurst, Georgia	228C2
Jeffersonville, Georgia	229C2
Mt. Vernon, Georgia	269A
Sandersville, Georgia	260A
Soperton, Georgia	291A
Tennille, Georgia	270A

7. The window period for filing applications for Channel 269A at Mt. Vernon, Georgia, will open on **August 31, 1992**, and close on **September 30, 1992**.

8. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Jeff Davis Broadcasters for Station WVOH(FM), Hazelhurst, Georgia, IS MODIFIED, to specify operation on Channel 228C2 in lieu of Channel 228A, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

9. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the permit of ALP Limited Partnership for Station WWST(FM), Jeffersonville, Georgia, IS MODIFIED, to specify operation on Channel 229C2 in lieu of Channel 229A, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

10. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of WSNT, Inc., for Station WSNT(FM), Sandersville, Georgia, IS MODIFIED, to specify operation on Channel 260A in lieu of Channel 228A, subject to the following conditions:

(a) Nothing contained herein shall be construed as authorizing any change in the authorization for Station WSNT(FM), except the channels as specified above. Any other changes, except those so specified under Section 73.1260 of the Rules, require prior authorization pursuant to an application for a construction permit (FCC Form 301).

(b) Programs tests may be conducted in accordance with the provisions of Section 73.1260 of the Rules, PROVIDED the transmission facilities comply in all respects with the station authorization except for the channel as specified above, and a license application (FCC Form 302) is filed within 10 days of commencement of program tests.

11. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Sol Broadcasting, Inc. for Station WKTM(FM), Soperton, Georgia, IS MODIFIED, to specify operation on Channel 291A in lieu of Channel 269A, subject to the following conditions:

(a) Nothing contained herein shall be construed as authorizing any change in the authorization for Station WSNT(FM), except the channels as specified above. Any other changes, except those so specified under Section 73.1260 of the Rules, require prior authorization pursuant to an application for a construction permit (FCC Form 301).

(b) Programs tests may be conducted in accordance with the provisions of Section 73.1260 of the Rules, PROVIDED the transmission facilities comply in all respects with the station authorization except for the channel as specified above, and a license application (FCC Form 302) is filed within 10 days of commencement of program tests.

12. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the upgrade. As a result of this proceeding, Jeff Davis Broadcasters, licensee of Station WVOH, Hazelhurst,

Georgia, and ALP Limited Partnership, permittee of Station WWST(FM), Jeffersonville, Georgia, are required to submit rule making fees in addition to the fees required for their applications to effect their upgrades.

13. IT IS FURTHER ORDERED, That the Secretary shall send a copy of this *Report and Order* by Certified Mail, Return Receipt Requested, to the licensees of Station WKTm(FM) and Station WSNT(FM); and the applicants for Channel 260A at Tennille, Georgia, as follows:

Sol Broadcasting, Inc.
Radio Station WKTm
Box 417
Soperton, Georgia 30457

Radio Station
WSNT, Inc.
Box 150
Sandersville,
Georgia 31080

Lee M. Pierce, Sr.
P.O. Box 731
Sandersville,
Georgia 31082
(Applicant at
Tennille, GA)
(BPH-901227MB)

Broadcast Media Co.
P.O. Box 314
Sandersville,
Georgia 31055
(Applicant at
Tennille, GA)
(BPH-901227MA)

14. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

15. For further information concerning this proceeding, contact Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

FEDERAL COMMUNICATIONS COMMISSION

Michael C. Ruger
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau